

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20387

Application 28158 of Cambria Community Services District

P.O. Box 65, Cambria, CA 93428

filed on June 8, 1984, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source: Tributary to:

Santa Rosa Creek Underflow Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Town- ship	Range	Base and Meridian
CALIFORNIA COORDINATE SYSTEM, ZONE 5 WELL SRI (27S8E - 26D-1) NORTH 764,250 FEET AND EAST 1,082,750 FEET	SW $\frac{1}{4}$ OF NW $\frac{1}{4}$	26	27S	8E	MD
WELL SR2 NORTH 764,800 FEET AND EAST 1,084,200 FEET	NE $\frac{1}{4}$ OF NW $\frac{1}{4}$	26	27S	8E	MD
WELL SR3 (27S8E - 26C5) NORTH 765,000 FEET AND EAST 1,084,200 FEET	NE $\frac{1}{4}$ OF NW $\frac{1}{4}$	26	27S	8E	MD

County of San Luis Obispo *projected

3. Purpose of use:	4. Place of use:	Section	Town- Ship	Range	Base and Meridian	Acres
MUNICIPAL	WITHIN THE BOUNDARIES OF THE CAMBRIA COMMUNITY SERVICES DISTRICT WITHIN:		27S	8E	MD	
			28S	8E	MD	

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2.67 cubic feet per second to be diverted from January 1 through December 31 of each year. The maximum amount diverted under this permit shall not exceed 260 acre-feet from May 1 through October 31 of each year nor shall it exceed 518 acre-feet per calendar year. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1999. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. The total quantity and rate of water diverted and used under this permit and under permittee's claimed pre-1914 right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in this permit. If the permittee's claimed right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the claimed right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the Board. (0000021)

13. The equivalent of the continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. (0000027)

14. For the protection of water quality from increased salinity due to sea water intrusion in the lower subbasin of Santa Rosa Creek and for protection of instream resources, permittee shall:

- (a) Construct a monitoring well in the vicinity of well 21R3, suitable for water quality sampling and water level monitoring. The well shall be at a location approved by the Chief of the Division of Water Rights and it shall be constructed within six months of the issuance of this permit.
- (b) Measure the water level in the monitoring well, and analyze well water for electrical conductivity and chloride content on a monthly basis and on a weekly basis when the water level in permittee's well SR 1 is below mean sea level. Monthly or weekly measurements of chloride content and electrical conductivity shall be submitted semi-annually to the Chief of the Division of Water Rights. Following receipt of two years of measurements, the Chief of the Division of Water Rights shall establish chloride concentration and electrical conductivity standards for regulation of District diversions.
- (c) Follow water sampling protocol as approved by the Chief of the Division of Water Rights and have water samples analyzed for electrical conductivity and chloride content in a laboratory certified by the State of California.
- (d) Cease diversions under this permit if the water level in the monitoring well falls below 3.00 feet above mean sea level. The Chief of the Division of Water Rights is authorized to adjust the water elevation requirement in the monitoring well, if appropriate, based upon his review of a hydrologic analysis to be submitted by the permittee. Any such hydrologic analysis shall consider the depth to bedrock in the monitoring well and shall determine the fresh water elevation needed to prevent sea water intrusion. Any action by the Chief of the Division of Water Rights to lower the monitoring well water elevation requirements must be accompanied by a finding that the permittee has consulted with the California Department of Fish and Game regarding the tidewater goby (Eucyclogobius newberryi) and that lowering the monitoring well water elevation requirement would be in compliance with applicable provisions of state and federal law.

(0400500)
(0110500)

15. To prevent any significant ground deformation in the lower subbasin of Santa Rosa Creek from occurring due to diversion of water under this permit, permittee shall:

- (a) Develop and submit for approval by the Chief of the Division of Water Rights a ground deformation monitoring program within six months of the issuance of this permit.
- (b) Monitor for vertical ground deformation on a weekly basis when the static water level in well SR1 or SR3 falls below 15 feet below mean sea level.
- (c) Cease diversions under this permit when vertical ground deformation exceeds the limit to be established in the ground deformation monitoring program.

(0400500)
(0490500)

16. This permit is specifically subject to the diversion of water from the lower subbasin wells of Lloyd and Faye Junge, Joyce Bretz and Tony Williams, and Rancho Pacifica and their successors in interest under valid claim of riparian right.

At such time as permittee is diverting water authorized under this permit and the water level in the Junge, Bretz and Williams, or Rancho Pacifica wells reaches a depth which renders the well unusable, permittee shall:

- (a) Deliver water from its point of diversion to the riparian place of use served by the well or;
- (b) take other action to provide an alternate supply of water as is mutually agreeable to the permittee and Junge, Bretz and Williams, or Rancho Pacifica or their successors in interest.

Any water supplied for satisfaction of riparian rights shall not be considered as water appropriated under this permit.

In event that permittee opts to deliver water to the riparian place of use of any of the above wells, the riparian diverter shall be liable for the estimated costs which the riparian would have incurred to pump water from the affected well. In the absence of an agreement between the parties relative to pumping costs, the costs shall be based on an average amount per acre-foot for pumping water from the affected well during the month in question over the prior three years. Permittee shall pay the cost of installing and maintaining any water conveyance facilities needed to deliver water to the riparian point of diversion or place of use.

(0280800)

17. For the maintenance of riparian vegetation, fish and aquatic resources, permittee shall, at its option, take one of the following actions:

Option 1

Permittee shall operate and maintain on its own or through agreement with San Luis Obispo County, the Highway 1 gaging station or a replacement gaging station to be located downstream of the point of diversion as authorized in this permit.

Permittee shall limit diversion to:

- (a) A maximum of 2.0 acre-feet per day from November 1 through April 30 when the average daily surface flow at the downstream gage is between 2.5 and 10.0 cubic feet per second;
- (b) A maximum of 1.4 acre-feet per day from November 1 through April 30 when the average daily surface flow at the downstream gage is less than 2.5 cubic feet per second.

The gage to be utilized under this option shall be capable of providing streamflow data on a real-time daily basis.

Option 2

Permittee shall use the Main Street gage for monitoring streamflow under this option. Permittee shall also operate and maintain on its own or through agreement with San Luis Obispo County, the Highway 1 gaging station for a minimum period of 36 months or until a good flow correlation between the Highway 1 and Main Street gages can be established, taking into consideration all factors affecting flow.

The correlation data shall be submitted to the Chief of the Division of Water Rights within 6 months following completion of the correlation analysis for a determination regarding its acceptability and need for an adjustment in the interim required flows at the Main Street gage as described below:

During the correlation period, permittee shall limit diversion to:

- (a) A maximum of 2.0 acre-feet per day from November 1 through April 30 when the average daily flow at the Main Street gage is between 3.5 and 11.0 cubic feet per second;
- (b) A maximum of 1.4 acre-feet per day from November 1 through April 30 when the average daily flow at the Main Street gage is less than 3.5 cubic feet per second.

If at the end of the flow correlation period, the correlation data is inadequate for establishing appropriate flow requirements at the Main Street gage as determined by the Chief of the Division of Water Rights, permittee shall proceed with Option 1 of this permit condition.

(0140500)
(0100500)

18. Upon request of the Chief of the Division of Water Rights, permittee shall submit:

- (a) Records of the average daily streamflow from the upper and lower gages on Santa Rosa Creek;
- (b) Records of permittee's daily water withdrawals from Santa Rosa Creek underflow.

(0100300)

19. Within six months of the issuance of this permit, permittee shall initiate an instream flow study approved by the Department of Fish and Game, to determine:

- (a) The critical riffle for steelhead in the reach of Santa Rosa Creek affected by the permittee's diversion;
- (b) The volume of streamflow required to pass upstream and downstream migrating steelhead through the affected reach.

A report on the findings of the instream flow study shall be submitted to the Chief of the Division of Water Rights within two years of the issuance of this permit or such further time as may be approved by the Chief of the Division of Water Rights.

(0390500)

20. Permittee shall, until December 31, 1993, monitor the sandbar at the mouth of Santa Rosa Creek. Permittee shall record the week and the average daily flows at the Highway 1 gage during that week that the sandbar opens and closes. The sandbar will be considered open when there is a measurable continuous surface flow from Santa Rosa Creek to the ocean. By June 1, 1994, the permittee shall submit a report of the monitoring records to the Chief of the Division of Water Rights.

(0100700)

21. The State Water Resources Control Board reserves jurisdiction over the permit for the following purposes;

- (a) To reduce the amount of water authorized for appropriation if the U.S. Geological Survey investigation titled "Geohydrologic Study of Alluvial Stream Aquifer Systems in the Cambria - San Simeon Area, San Luis Obispo County, California", provide evidence that water is not normally available in the amount and season as authorized in this permit.
- (b) To limit the permissible water table decline in permittee's well field should diversion under this permit result in ground deformation and loss of storage capacity in the lower subbasin of Santa Rosa Creek.
- (c) To modify, in the public interest, the terms and conditions of this permit, including imposition of requirements to alter project operation and to modify instream flow bypass terms in the event of unforeseen adverse impact to fish and aquatic resources.

Application 28158

Permit 20387

Any action to reduce the amount of water authorizrd for appropriation or to modify the terms and conditions of this permit will be taken only after notice to interested parties and opportunity for hearing.

(000M001)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **NOVEMBER 07 1989**

STATE WATER RESOURCES CONTROL BOARD

Walter S. Pettit
Chief, Division of Water Rights